

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 4:22-CR-612
	§	
EDWARD CONSTANTINESCU, <i>ET AL.</i>	§	

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**DEFENDANT, JOHN RYBARCZYK’S SUPPLEMENTAL MOTION FOR LEAVE TO SERVE  
SUBPOENA *DUCES TECUM* UNDER RULE 17(C) AND MEMORANDUM IN SUPPORT**

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TO THE HONORABLE ANDREW S. HANEN, UNITED STATES DISTRICT JUDGE:

Pursuant to the hearing held before this Court on December 18, 2023, Defendant, John Rybarczyk (“Rybarczyk”), pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, files this supplemental notice and motion with this Court for an Order directing the issuance of the attached subpoenas *duces tecum* for the production of certain trading records from the brokerages used by witnesses the government lists for testimony at trial.

In support of this notice and motion, Mr. Rybarczyk states as follows. In September 2023, Mr. Rybarczyk filed an *ex parte* motion seeking brokerage records from individuals that the government intends to call at trial. This Court deferred ruling on the motion. On December 18, 2023, this Court held oral argument on this issue, together with argument on other subpoenas issued by Defendant Constantinescu. During oral argument, this Court approved the issuance of the subpoenas to the brokers and directed that requests for 1099 records be included in the subpoenas. *See* 12/18/2023 Tr. at 33-34, 36, 41-42. Accordingly, the subpoenas have been revised to reflect the Court’s ruling, and, because this Court stressed the importance of keeping

information related to any potential witnesses private (*id.* at 34-35), the subpoenas are being re-attached under seal for issuance by this Court.

**CONCLUSION**

WHEREFORE, Rybarczyk requests that this Honorable Court issue the attached subpoenas *duces tecum* under Rule 17(c) and that these records be produced within twenty days from the date the subpoena is issued, at the law offices of Hilder and Associates, Attn: Stephanie K. McGuire, 819 Lovett Blvd., Houston, Texas 77006. These records will then be produced to the government once received.

Respectfully submitted,

**HILDER & ASSOCIATES, P.C.**

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Admitted Pro Hac Vice

ATTORNEYS FOR JOHN RYBARCZYK

**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2024, a true and correct copy of the above and foregoing was served on all counsel of record via ECF, certified mail, return receipt requested, facsimile, electronically, or hand delivery.

/s/Stephanie K. McGuire  
Stephanie K. McGuire